

CONSUMER LEADERSHIP CAUCUS MINUTES FOR APRIL 23, 2008

Consumer Leadership Caucus Meeting

April 23, 2008

10:00 – 4:00 PM

Attendance: Shiloh Blackburn, James Steed, Alonzo Statham, Kristyn Herbert, Rylee May, and Christine Pisani

Absent: Angie Flores and Mike Smith

Visitors: None.

Shiloh called the meeting to order at 10:19 am on Wednesday, April 23, 2008.

In reviewing the minutes the Caucus would like to include the following:

ACTION: Recommendations to the DHW Guardianship Information Brochure providing Alternatives to Guardianship first within the brochure. There is a separate document that DHW provides about Alternative

ACTION: Interview questions for proposed ward that regional guardianship Evaluation Committees use are difficult to understand and should be simplified. The questions seem to lead the proposed ward to answer in a certain way guiding them toward getting a guardian.

Motion by James, second by Kristyn that the Caucus make recommendations to the interview questions used to interview

proposed wards by the regional evaluation committees. Motion passed.

Add 66-402 being reviewed in the minutes.

ACTION: Check with Jim to see if there is a requirement that Guardian Ad -Litem (GAL) be attorneys? If they don't, think of the possibilities of who could be trained to be a "GAL."

ACTION: Under section 66-404, page 6, require the respondent to be present for the hearing. Sufficient evidence would be required to present prior to the hearing to the judge as to why the respondent is unable to be present for their hearing. (Proposed Legislation).

ACTION: Under section 66-404, page 6, change language from "a peer be added to the Regional Health & Welfare Guardianship Committee," to an "Advocate with a Developmental Disability be added...." This change in legislation would also require training provided to the Regional Advocates serving on the evaluation committees. (Proposed Legislation).

Motion by Kristyn, second by Alonzo that language be changed in 66-405, section 4, to remove "if it is determined that the respondent is developmentally disabled and is unable...." And substitute the following: If the respondent is unable to manage financial resources..." This recommendation assumes the petition has been filed under the DD Act which would require the respondent to have a diagnosed developmental disability. Motion passed.

ACTION: The Caucus would like to learn from DHW about the process for reviewing whether guardianships within the regions are being reviewed for any change in the status of the ward's guardianship as stated with the three year requirement written in 66-408. In the language "shall be entitled for reexamination of the order for or conditions of their commitment," the Caucus has concern about how a ward would know they have the option to request a reexamination and what information is provided to the ward to know how to go about doing this?

Motion by James, second by Alonzo to move forward with the proposed action item. Motion passed.

Shiloh requested a copy of the letter sent to Grangeville People First.

Motion by James, second by Kristyn to approve the January 23, 2008 minutes. Motion passed.

James reported that he was appointed to the SALN Board to fulfill the role of liaison between the Council and SALN. James will be able to provide information between the two organizations.

James reported on a meeting between the Council, Co-Ad, DHW, and SALN. At the meeting Co-Ad staff presented information about guardianship to be used for training to adults and parents. Co-Ad also requested some specific things of SALN: Position statement, participation is the development of training materials, and being part of regional training teams. The SALN Board responded to Co-Ad by letter. James has agreed to assist SALN with information learned

about guardianship through the Caucus to help with items SALN would like to work on with Co-Ad and the Council.

10. Document Reviewed: The ARC/AAMR Position Statement

11. Document Reviewed: The Texas DD Council Position Statement

12. Document Reviewed: New Mexico DD Council Position Statement

13. Document Reviewed: Article, Pervasiveness of Guardianship by Dohn Hoyle Executive Director, ARC of Michigan

RECOMMENDATIONS FOR POSITION STATEMENT:

Most adults with developmental disabilities are able to make their own decisions and manage their lives. Some adults with Developmental Disabilities benefit from the use of natural supports to assist with decision-making and managing their individual responsibilities.

Guardianship is a serious issue because it limits a person's independence and rights. Appointment of a guardian should only be made to the extent necessary to protect the health and well-being of the individual and not for the convenience of the family, service system, or society. Limited guardianships or power of attorney should always be considered first.

Guardianship permanently alters the relationship between parent and adult son or daughter. Instead of a two-party relationship, it

now becomes a three-party relationship, with the third party being the government.

Make comment in position statement regarding the role of school professionals.

Limit professional guardians and conservators to those serving no more than two or more wards who are not related to each other and receive fees for services.

Guardians, conservators, judiciary, attorneys, and guardianship evaluation committee members need continuing education on alternatives to guardianship.

Guardians and Conservators shall be accountable for their actions, and those actions will be reviewed bi-annually.

Simplified systems for wards to reexamine guardianship, reverse a guardianship, or review unnecessarily restrictive forms of existing guardianships must be available.

Individuals going through the process of obtaining a guardianship must have legal representation at all stages of the process and must be informed about alternatives to guardianship and the possibility and process to have the guardianship removed.

The Council believes guardianship should be granted only if all other alternatives are insufficient, and only to the extent and only for the length of time determined to be necessary, with annual reviews to determine if the guardianship can be terminated or reduced. All guardianships should be as limited as possible.

An individual's ability to make decisions should be developed and supported to the maximum extent possible, and guardianship should not decrease an individual's dignity or the right to make choices if there is no undue risk.

Individual abilities must be carefully evaluated, with a presumption that persons with disabilities are competent. Individuals may require assistance from others or accommodations based on their disability but still be able to make informed decisions based on their own preferences. Most importantly, the presence of a physical or cognitive impairment or the age of an individual does not indicate the need for a guardian.

The meeting adjourned at 4:15 pm.